IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3379 OF 2004

IN

APPEAL NO.708 OF 2004

IN

WRIT PETITION NO.448 OF 2003

Jagdish Gursahani. ...Appellant

vs.

Air India Ltd. ...Respondent.

Appellant in person present.

Mr.J.K.Talsania i/b. M/s.M.V.Kini & Co.,for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 14th August,2007.

P.C.:-

1. This is a notice of motion taken out by the appellant for stay of further proceedings. The order impugned in the appeal is made by the learned Single Judge by which the learned Single Judge has remanded the proceedings back to the lower Court.

2. Appeal against that order has been admitted. In our opinion, stay of the further proceedings is not necessary to be granted because in case ultimately the appeal fails, the entire time will be lost. In our opinion, if the proceedings are allowed to go on and the trial Court is permitted to record the evidence, the time can be utilised during which the appeal remains pending. In our opinion, interest of the appellant can be safeguarded by directing the

lower Court to go on with the trial but not to pronounce the judgment. The notice of motion, therefore, is disposed of. The further proceedings pursuant to the remand order, which is impugned in this appeal, to go on but the lower Court shall not pronounce final judgment without seeking leave of this Court.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)